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November 4, 2010

BY ECF

Honorable Andrew L. Carter, Jr.
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Petersen v. Aries Financial, LLC et al.; 1:06-Cv-06663-RJD-ALC

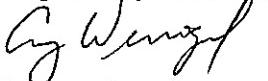
Dear Judge Carter:

I represent defendant Jacques Michaane and write in response to the direction of the Court to explain why counsel for Michaane failed to appear at the October 21, 2010 telephone conference and why sanctions should not be imposed.

I apologize to the Court for failing to appear at the telephone conference. When the Court had first scheduled the October 21, 2010 telephone conference, I had assigned my then associate Matthew Endlich to cover it. After six years with my firm, Mr. Endlich left our employ on October 18, 2010. Admittedly, assigning a new attorney to cover the conference slipped through the cracks and the failure to appear was completely unintentional.

Mr. Michaane is a Rule 19 defendant. The parties took his deposition on September 20, 2010. Though he is not seeking relief in this case, and no other party is seeking relief as against him, Mr. Michaane, by his counsel, has attended court conferences and motion arguments, participated in mediation, and complied with his discovery obligations. The failure by counsel to appear at the October 21, 2010 telephone conference was an inadvertent oversight due to a personnel change and I respectfully request that the Court not impose sanctions.

Respectfully submitted,


Corey Winograd

CW/rb
Michaane1005